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8 **UNITED STATES DISTRICT COURT**

9 EASTERN DISTRICT OF CALIFORNIA

10 FAYEDA ABDULLAH ALAWI, et al.,

11 Plaintiffs,

12 v.

13 U.S. CITIZENSHIP AND IMMIGRATION
14 SERVICES, et al.,

15 Defendants.

Case No. 1:20-cv-00608-NONE-SAB

ORDER REQUIRING PLAINTIFF TO FILE
MOTION FOR LEAVE TO AMEND

(ECF Nos. 36, 37, 38)

FOURTEEN DAY DEADLINE

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17 Plaintiffs filed this action on April 28, 2020. (ECF No. 1.) No scheduling order has
18 issued, and a motion to dismiss filed on September 4, 2020, is currently pending. (ECF No. 20.)
19 Given Plaintiffs' indication they may seek leave to file an amended complaint, on March 16,
20 2021, District Judge Dale A. Drozd ordered Plaintiffs to file a status report on or before May 14,
21 2021, stating whether they intend to seek leave to amend. (ECF No. 35.) On May 14, 2021,
22 Plaintiffs filed a status report proffering they were thereby seeking leave to amend, requesting
23 forty-five (45) days to amend, and additionally proffering the parties may alternatively file a
24 notice of settlement within the same forty-five (45) day period. (ECF No. 36.) Given the filing
25 did not indicate whether Defendants oppose Plaintiffs' proposed amendment, the Court ordered
26 Defendants to file a statement indicating whether they would oppose the Court granting leave to
27 file an amended complaint. On May 19, 2021, Defendants file a statement indicating they
28 oppose Plaintiffs' stated intent to move to amend the complaint due to futility of amendment.

1 (ECF No. 38.)

2 Twenty-one days after a responsive pleading or a motion to dismiss is filed, a party may
3 amend only by leave of the court or by written consent of the adverse party. Fed. R. Civ. P.
4 15(a)(1)-(2). “Rule 15(a) is very liberal and leave to amend ‘shall be freely given when justice
5 so requires.’ ” Amerisource Bergen Corp. v. Dialysis West, Inc., 465 F.3d 946, 951 (9th Cir.
6 2006) (quoting Fed. R. Civ. P. 15(a)). In determining whether to grant leave to amend, a court is
7 to consider five factors: “(1) bad faith; (2) undue delay; (3) prejudice to the opposing party; (4)
8 futility of amendment; and (5) whether the plaintiff has previously amended his complaint.”
9 Nunes v. Ashcroft, 375 F.3d 805, 808 (9th Cir. 2004).

10 Accordingly, IT IS HEREBY ORDERED that Plaintiffs shall file a motion for leave to
11 amend addressing the Rule 15 factors, within fourteen (14) days of entry of this order.

12 IT IS SO ORDERED.

13
14 Dated: May 20, 2021


UNITED STATES MAGISTRATE JUDGE